

City of Sioux Falls Council Meeting Minutes
Carnegie Town Hall, 235 West 10th Street
MEETING OF Monday, September 13, 2010 at 7:00 p.m.

ROLL CALL #4

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

| | |
|-----------------------------|-----------------|
| Members Present: | Members Absent: |
| Council Member Entenman | None. |
| Council Member Erpenbach | |
| Council Member Jamison | |
| Council Member Litz | |
| Council Member Roling | |
| Council Member Aguilar | |
| Council Member Anderson Jr. | |
| Council Member Brown | |
| Mayor Mike T. Huether | |

INVOCATION

A. PASTOR NATANAEL LIZARAZO, FIRST LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Jamison and seconded by Council Member Anderson Jr. to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

MINUTES

A. JOINT CITY COUNCIL/LINCOLN COUNTY MEETING OF MONDAY, AUGUST 23, 2010, AT 7:00 P.M.

Minutes

B. INFORMATIONAL MEETING OF TUESDAY, SEPTEMBER 7, 2010, AT 4:00 P.M.

Minutes

C. REGULAR CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 7, 2010, AT 7:00 P.M.

Minutes

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE LINCOLN HIGH SCHOOL BANDPARENTS ASSOCIATION STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM SEPTEMBER 14, 2010 TO NOVEMBER 4, 2010, FOR 35% OF THE RECEIPTS (1ST PRIZE IS 20% OF RECEIPTS; 2ND PRIZE IS 10% OF RECEIPTS; AND 3RD PRIZE IS 5% OF RECEIPTS). TICKETS WILL BE \$5.00 EACH. THE PROCEEDS ARE TO BE USED FOR THE LINCOLN HIGH SCHOOL MARCHING BAND.
2. A COMMUNICATION WAS RECEIVED FROM THE EVANGELICAL LUTHERAN GOOD SAMARITAN SOCIETY STATING THEIR INTENT TO SELL RAFFLE TICKETS ON SEPTEMBER 27, 2010, FOR 10 CHEESECAKES (APPROXIMATE VALUE \$25.00 EACH); AND TWO HALF DAY VACATIONS (APPROXIMATE VALUE \$50.00 EACH). TICKETS WILL BE \$1.00 EACH OR SIX FOR \$5.00. THE PROCEEDS ARE TO BE USED FOR THE UNITED WAY CAMPAIGN.
3. A COMMUNICATION WAS RECEIVED FROM JUNIOR ACHIEVEMENT OF SOUTH DAKOTA, INC., STATING ITS INTENT TO SELL 50/50 RAFFLE TICKETS FROM OCTOBER 8, 2010 TO MAY 31, 2011. TICKETS WILL BE \$1.00 EACH; NOSE TO WAIST FOR \$5.00; OR NOSE TO TOES FOR \$10.00. THE PROCEEDS WILL BE USED FOR JUNIOR ACHIEVEMENT PROGRAMMING IN SIOUX FALLS FOR THE 2011/2012 SCHOOL YEAR.

APPLICATIONS

4. MILDRED BEST, 518 N. SHERMAN AVE., FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$63.19. THE AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
5. LOIS GEIKEN, 6712 W. 47TH ST., FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$832.82. THE AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
6. LAVONNE MIDDLEN, 1812 E. EIGHTH ST, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$687.59. THE AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
7. CITY OF SIOUX FALLS, 4705 W. 18TH ST. (PARCEL #56629), FOR 2007 PROPERTY TAXES IN THE AMOUNT OF \$783.13; PARCEL #81507 (LOT E 19 NW1/W SW ... 24-101-50), FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$179.64, AND FOR 2009 PROPERTY TAXES, IN THE AMOUNT OF \$207.33. THE CITY OF SIOUX FALLS PURCHASED A PORTION OF PARCEL #56629 IN 2007 AND IS NOW REQUESTING AN ABATEMENT FOR THE TIME OWNED IN 2007, AND ALSO IN 2008 AND 2009. THE PROPERTY IS NOW DESCRIBED AS PARCEL #81507.
8. HARR-LEMME DEVELOPMENT INC., PARCEL #81960, FOR 2008 PROPERTY TAXES IN THE

AMOUNT OF \$141.69; AND FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$149.61. THIS PROPERTY WAS BEING ASSESSED ON TWO SEPARATE RECORD NUMBERS. RECORD #81960 IS NOW VOIDED. THE PROPERTY OWNER IS REQUESTING AN ABATEMENT FOR THIS DOUBLE ASSESSMENT.

NOTICE OF HEARINGS

Set a hearing date for Tuesday, October 12, 2010, at 7:00 p.m. on Items 9 through 11:

9. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, ASPHALT SURFACING, WATER MAIN, SANITARY SEWER MAIN, AND STREETLIGHTS ON E. 57TH ST. FROM S. CLIFF AVE. TO S. SYCAMORE AVE.

Res. 0012

PDF

Exhibits

10. A PROPOSED RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER MAIN ON E. 57TH ST. FROM S. CLIFF AVE. TO S. SYCAMORE AVE.

Res. 1511

Exhibits

11. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, ASPHALT SURFACING, WATER MAIN, WATER SERVICES, SANITARY SEWER MAIN, SANITARY SEWER SERVICES, AND STREETLIGHTS ON S. SYCAMORE AVE. FROM E. MISSION ST. TO 446' SOUTH OF E. 57TH ST.

Res. 0013

PDF

Exhibits

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Aguilar and seconded by Council Member Entenman to approve the Regular Agenda.
Vote to approve: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling,

Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

PUBLIC INPUT

Mark Weber stated he is waiting for a reply from Mayor Huether, in regards to an email he sent him.

HEARINGS AND RESOLUTIONS

Res. 1763

12. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF FAITH, FREEMAN, AND ROBERTS COUNTY, THREE POLICE VEHICLES.

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt said Resolution 75-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

RESOLUTION NO. 75-10

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF FAITH, FREEMAN, AND ROBERTS COUNTY, THREE POLICE VEHICLES.

WHEREAS, the City of Sioux Falls has declared as surplus property the following Police vehicles:

| Number | Asset No. | Year/Make/Model | Serial |
|---------------------|-----------|-----------------|-------------------|
| | 3008613 | | 2FAHP71W94X142569 |
| | 2004 | | |
| Ford Crown Victoria | | | |
| | 3008620 | | 2FAFP71W04X142573 |
| | 2004 | | |
| Ford Crown Victoria | | | |
| | 3011247 | | 2FAHP71W26X126855 |
| | 2006 | | |
| Ford Crown Victoria | | | |

WHEREAS, the City of Faith finds it desirable to acquire for their fleet Asset No. 3008613, Serial

Number 2FAHP71W94X142569, a 2004 Ford Crown Victoria, and has expressed an interest in acquiring such Police vehicle; and

WHEREAS, the City of Freeman finds it desirable to acquire for their fleet Asset No. 3008620,

Serial Number 2FAFP71W04X142573, a 2004 Ford Crown Victoria, and has expressed a n interest in

acquiring such Police vehicle; and

WHEREAS, Roberts County (Sheriff s Office) finds it desirable to acquire for the
ir fleet Asset No.
3011247, Serial Number 2FAHP71W26X126855, a 2006 Ford Crown Victoria, and has ex
pressed an interest
in acquiring such Police vehicle;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the gifting by the City of Sioux Falls of Police vehicles to the following
cities/or counties
is hereby approved:

| No. | City/County | Asset Serial Number |
|---------|------------------------------|------------------------------|
| | Faith | 3008613 |
| | 2FAHP71W94X142569 Freeman | |
| 3008620 | Roberts County | 2FAFP71W04X142573 3011247 |
| | 2FAHP71W26X126855 | |

Date adopted: 09/13/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen
City Clerk

13. A RESOLUTION OF INTENT TO ESTABLISH SIOUX FALLS CONVENTION AND VISITORS
BUREAU BUSINESS IMPROVEMENT DISTRICT.

Res. 1766

A motion was made by Council Member Litz and seconded by Council Member Rolfin
g to adopt said Resolution 76-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member
Jamison, Council Member Litz, Council Member Rolfin, Council Member Aguilar,
Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8.
Noes, 0.
Motion Passed

RESOLUTION NO. 76-10

A RESOLUTION OF INTENT TO ESTABLISH SIOUX FALLS CONVENTION AND VISITORS BUREAU B
USINESS IMPROVEMENT
DISTRICT.

WHEREAS, pursuant to SDCL 9-55, the city of Sioux Falls is authorized to create
business
improvement districts; and

WHEREAS, pursuant to SDCL 9-55-2, upon formation of a business improvement district, the city may impose a tax on businesses and users of space within the district, or both; and WHEREAS, pursuant to SDCL 9-55-3, money generated may be used for a variety of purposes, including, but not limited to, the development of any activities and promotion of events in the district area; and

WHEREAS, in accordance with SDCL 9-55-9, the owners of a majority of the rentable lodging rooms subject to a proposed occupation tax within the incorporated limits of the city of Sioux Falls have submitted a petition to the Sioux Falls City Council to hold a hearing on the proposed creation of the Sioux Falls Convention and Visitors Bureau Business Improvement District (the CVB Business Improvement District); and

WHEREAS, if approved by the City Council, the proposed CVB Business Improvement District will be created for the purposes allowed by SDCL 9-55-3; and WHEREAS, the method for raising revenue for the CVB Business Improvement District will be fair and equitable.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

1. Proposed District. The City Council hereby expresses its intent to create the CVB Business Improvement District within the city of Sioux Falls.

2. Public Hearing. The city shall hold a public hearing on the proposed establishment of the CVB Business Improvement District on Monday, November 15, 2010, at 7 p.m., in the Carnegie Town Hall, 235 West Tenth Street, Sioux Falls, South Dakota. The City Clerk is hereby authorized and directed to (A) publish notice of the hearing in the official newspaper of the city not less than 30 days prior to the hearing date, and (B) mail a complete copy of the resolution of intent not less than 30 days prior to the hearing date to (i) each owner of taxable property as shown on the property tax roll for the proposed district, and (ii) the occupant of each address located in the proposed district. Such notice shall be substantially in the form attached hereto.

3. Proposed Use of Funds. In accordance with SDCL 9-55 of the South Dakota Codified Laws, it is proposed that the proposed CVB Business District would impose an occupational tax of two dollars (\$2.00) per night per rented room for all lodging rooms within the CVB Business Improvement District, and that the proceeds of such occupation tax would be remitted to the Sioux Falls Convention and Visitors Bureau to market and promote the visitor industry in the city of Sioux Falls and increase the room night sales of lodging facilities within the Business Improvement District.

4. Estimated Costs of Activities. The activities described in Paragraph 3 above will be ongoing, and will be outlined in the annual budget developed each year by the CVB Business

Improvement District Board of Directors, subject to the approval of the Sioux Falls City Council.

BE IT FURTHER RESOLVED:

The boundaries of the Sioux Falls Convention and Visitors Bureau Business Improvement District

shall be congruent with the corporate limits of the City of Sioux Falls, SD.

Date adopted: 09/13/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

14. A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011, AND THE 2011-2015 CAPITAL PROGRAM.

Res. 1758

Proposed Amendment A

Proposed Amendment B

Proposed Amendment C

Proposed Amendment D

Proposed Amendment E

Proposed Amendment F

Proposed Amendment G

Proposed Amendment H

Proposed Amendment I

Proposed Amendment J

Proposed Amendment K

2011 Budget and Capital Programs (Amended)

A motion was made by Council Member Anderson Jr. and seconded by Council Member Aguilar to adopt said Resolution 77-10.

Councilor Litz called Point of Order.

A motion was made by Council Member Anderson Jr. and seconded by Council Member Erpenbach to amend the 2011 General Fund budget by restoring \$45,000 to the Parks and Recreation Department forestry program for tree removal in the city's right-of-way (GL # 100-6403-460.22-03). Funds for the restored program will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Aguilar and seconded by Council Member Roling to amend the 2011 General Fund budget by restoring \$2,000 to the Police Department's program for rape and domestic abuse victims managed by the Compass Center (GL # 100-2105-420.29-32). Funds for the restored program will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Roling and seconded by Council Member Brown to amend the 2011 General Fund budget by restoring \$20,000 to the Police Department's program for domestic abuse victims managed by the Children's Inn (GL # 100-2105-420.29-32). Funds for the restored program will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Erpenbach and seconded by Council Member Aguilar to amend the 2011 General Fund budget by restoring \$112,000 to the Parks and Recreation Department's aquatics program to provide funds for the return of the 2009 summer pool schedule. Funds for the restored program will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Brown and seconded by Council Member Jamison to amend the 2011 General Fund budget by moving South Dakota Municipal League Dues of \$39,750 from the Mayor's budget (GL # 100 0101- 410.27-02) to the City Council's budget (GL # 100-0901-410.27-02).

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Aguilar and seconded by Council Member Erpenbach to amend the 2011 General Fund budget adding a financial analyst City Council's Department (GL # 100-0902-410) to fund a financial analyst in the Clerk's Division. Funds for the position will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Brown and seconded by Council Member Jamison to amend the 2011 General Fund budget by restoring \$9,920 to the Parks and Recreation Department for the senior care program managed by the Center for Active Generations (GL # 100-6404-460.29-75). Funds for the restored program will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Brown and seconded by Council Member Roling to amend the 2011 General Fund budget by restoring \$234,000 to the Parks and Recreation Department for the zoo subsidy (GL# 100 6404-460.29-71). Funds for the restored program will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 0. Noes, 0. Motion Passed.

A motion was made by Council Member Jamison and seconded by Council Member Brown to amend the 2011 General Fund budget by restoring \$165,057 to the Parks and Recreation Department for the park maintenance program. Funds for the restored program will come from the unreserved General Fund balance.

Vote to amend: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 0. Noes, 0. Motion Passed.

A motion was made by Council Member Jamison and seconded by Council Member Brown to amend the Capital Improvement Plan, by adding \$200,000 to Park Land acquisition, \$50,000 to Downtown Historic Revitalization Fund, and \$248,818 to Carnegie Building Improvements, funding for the amendment to come from deleting Project No. 000122 Events Center; Design, \$500,000.

Vote to amend: Roll Call: Yeses, Jamison, Brown, 2. Noes, Entenman, Erpenbach, Litz, Roling, Aguilar, Anderson Jr., 6. Motion Failed.

A motion was made by Council Member Brown and seconded by Council Member Jamison to amend the Capital Improvement Plan, Project No. 000122 Events Center;

Design, by moving the project and funding of \$500,000 back one year in the capital plan to 2012, and moving the 2012 Events Center; Design expenditure of \$500,000 back to 2013.

Councilor Litz called Point of Order.

Vote to amend: Roll Call: Yeses, Erpenbach, Jamison, Brown, 3. Noes, Entenman, Litz, Roling, Aguilar, Anderson Jr., 5. Motion Failed.

Vote to approve said Resolution 77-10, as amended: Roll Call: Yeses, Entenman, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, 8. Noes, 0. Motion Passed.

RESOLUTION NO. 77-10

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011, AND THE 2011-2015 CAPITAL PROGRAM.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the Mayor's 2011 Budget and 2011-2015 Capital Program, as amended by the City Council, is hereby approved.

Date adopted: 09/13/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Aguilar and seconded by Council Member Entenman to adjourn at 9:45 p.m.

Vote to adjourn: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

Denise D. Tucker, CMC
Assistant City Clerk

